

II. REMARKS

Claims 1-8 are pending in this application. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1 and 6-8 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Zoltan (U.S. Patent No. 6,529,917), hereafter "Zoltan." Claims 2-5 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Zoltan. Applicants respectfully traverse these rejections.

A. RESPONSE TO EXAMINER'S REMARKS REGARDING 1.131 DECLARATION

Applicants respectfully traverse the Office's conclusion that the declaration and the evidence submitted by Applicants fail to prove that the claimed system was conceived prior to August 14, 2000. Applicants in their declaration and exhibits set forth facts that prove that Applicants conceived of the invention and reduced it to practice prior to the date of the Zoltan reference, or, in the alternative, exercised diligence from before the date of the Zoltan reference to the reduction to practice. Furthermore, the facts asserted in Applicants' declaration are supported by the exhibits submitted therewith and referred to therein, for example, Exhibit A, section 2, Cross Reference Function. Specifically, the "LDAP directory that maintains a logical symbolic application name and the physical location of the message routing so that changes to

system topology can be more easily implemented," of Exhibit A, section 2.1 LDAP, supports "...a table of keys for synchronizing related data elements between a first and second storage system." Furthermore, the Global Unique Identifier (GUID) as the unique number EID internal key field of Exhibit A, section 2.2. supports the limitation "...a universal identifier corresponding to a data element in the first and second storage system." In addition, the "...key information for party, policy and claim...[that] allows applications to obtain important information about records that belong to other systems within EID," of Exhibit A, section 2, supports the limitations "...a first record identifier corresponding to the data element in the first storage system; and a second record identifier corresponding to the data element stored in the second storage system, wherein the universal identifier, the first record identifier and the second record identifier are used to synchronize the data element between the first and second storage system." Exhibit B further supports these limitations. The examiner must consider all of the evidence presented in its entirety, including the affidavits or declarations and all accompanying exhibits, records and "notes." MPEP 715.07. Accordingly, the declaration and exhibits, taken in their entirety prove both conception and diligence to reduction to practice. In the alternative, Applicants submit that "...an accompanying exhibit need not support all claimed limitations, provided that any missing limitation is supported by the declaration itself." *Ex parte Ovshinsky*, 10 USPQ2d 1075 (Bd. Pat. App. & Inter. 1989)." MPEP 715.07. For the above stated reasons, the above-referenced 35 U.S.C. §102(a) and §103(a) rejections of claims 1-8 based on the reference of Zoltan are improper and should be withdrawn. Accordingly, Applicants submit that claims 1-8 are allowable and respectfully request that the Office withdraw its rejections.

C. REJECTION OF CLAIMS 1-8 OVER ZOLTAN

With regard to the 35 U.S.C. §102(a) and §103(a) rejections over Zoltan, Applicants assert that Zoltan does not teach each and every feature of the claimed invention. For example, with respect to independent claim 1, Applicants submit that Zoltan fails to teach a table of keys for synchronizing related data elements between a first and second storage system, each key comprising: a universal identifier corresponding to a data element in the first and second storage system; a first record identifier corresponding to the data element in the first storage system; and a second record identifier corresponding to the data element stored in the second storage system. The Office equates the universal identifier of the claimed invention with the checksum value in the master table of Zoltan. Col. 8, lines 13-18. The Office further equates the first record identifier of the claimed invention with the identifier column for the master table of Zoltan. Col. 3, lines 43-45. The Office still further identifies the second record identifier of the claimed invention with the identifier column included in each secondary table of Zoltan. Col. 5, lines 42-43. However, the identifier columns of Zoltan cited by the Office are included in separate tables, namely, the master table and each secondary table. As such, the identifier columns are not elements of a single key that is included in a table of keys. Nowhere does Zoltan teach a table of keys, each key comprising: a universal identifier, a first record identifier, and a second record identifier. In contrast, the claimed invention includes "...a table of keys for synchronizing related data elements between a first and second storage system, each key comprising: a universal identifier corresponding to a data element in the first and second storage system; a first record identifier corresponding to the data element in the first storage system; and a second record

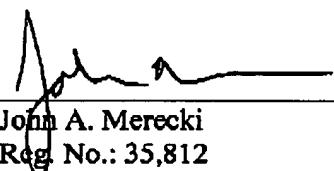
identifier corresponding to the data element stored in the second storage system." Claim 1. As such, the universal identifier, first record identifier and second record identifier of the claimed invention are not in separate tables such as the master and secondary tables of Zoltan, but are instead a component of each key in the table of keys. Thus, the checksum value, identifier column of the master table, and identifier column included in each secondary table of Zoltan do not teach the universal identifier, first record and second record of each key as included in the claimed invention. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With regard to the Office's arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claim listed above. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejections.

III. CONCLUSION

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



John A. Merecki
Reg. No.: 35,812

Date: April 25, 2005

Hoffman, Warnick & D'Alessandro LLC
Three E-Comm Square
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)

RAD/hew

10/614,968

6